

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NUMBER 1:20CV66

JANE ROE,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants.)

**DEFENDANT FEDERAL PUBLIC DEFENDER FOR THE WESTERN DISTRICT OF
NORTH CAROLINA'S MOTION TO DISMISS PLAINTIFF'S INDIVIDUAL
CAPACITY CLAIMS AGAINST HIM**

NOW COMES DEFENDANT ANTHONY MARTINEZ, FEDERAL PUBLIC DEFENDER FOR THE WESTERN DISTRICT OF NORTH CAROLINA, in his individual capacity, and hereby moves to dismiss Plaintiff's Complaint, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted. In support of the Motion, a memorandum of law is contemporaneously filed herewith, and incorporates the contents of the same by reference as if fully set forth herein. Also offered in support of this Motion is Exhibit A, the Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan of the Untied States Court of Appeals for the Fourth Circuit.

This the 8th day of June, 2020.

Respectfully submitted,

s/Shannon Sumerell Spainhour

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Counsel for the Defender in his individual capacity

CERTIFICATE OF SERVICE

The undersigned certifies that on June 8, 2020, she electronically filed the foregoing **DEFENDANT FEDERAL PUBLIC DEFENDER FOR THE WESTERN DISTRICT OF NORTH CAROLINA'S MOTION TO DISMISS PLAINTIFF'S INDIVIDUAL CAPACITY CLAIMS AGAINST HIM** using the Court's CM/ECF system, which will send notification of such filing to all counsel of record, including:

Cooper J. Strickland at cooper.strickland@gmail.com

Gill P. Beck at Gill.Beck@usdoj.gov

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s/Shannon Sumerell Spainhour

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